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July 7, 2022

Via ECF and e-mail

Hon. Philip M. Halpern, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: In re: Mosdos Chofetz Chaim Inc.
Congregants of Mosdos v. Mosdos (21-cv-5654-PMH)

Dear Judge Halpern:

As the Court is aware, the undersigned is counsel to certain of the Appellees in the above-referenced (now disposed of) appeal. On January 6, 2022, this Court affirmed the injunction issued by the Bankruptcy Court (Judge Drain) and the Appellant (Rabbi Mayer Zaks) appealed to the Second Circuit. On May 24, 2022, Rabbi Mayer Zaks brought an “emergency” motion to the Second Circuit seeking to stay the injunction that this Court had affirmed pending his appeal from this Court’s affirmance order. Yesterday, the Second Circuit denied that request. A copy of the order in that regard is attached for this Court’s edification.

Thank you for your attention.

Respectfully,

s/ *Michael Levine*

MICHAEL LEVINE

cc. Robert Spolzino, Esq. (via email rspolzino@abramslaw.com)

S.D.N.Y.
21-cv-5654
Halpern, J.
Drain, B.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of July, two thousand twenty-two.

Present:

Debra Ann Livingston,
Chief Judge,
José A. Cabranes,
Raymond J. Lohier, Jr.,
Circuit Judges.

In Re: Mosdos Chofetz Chaim, Inc.,

Mayer Zaks

Appellant,

v.

22-270

Mosdos Chofetz Chaim, Inc.,

Debtor-Appellee,

Chofetz Chaim Inc., Aryeh Zaks, Congregation
Radin Development Inc.,

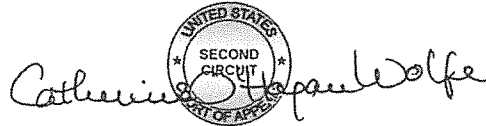
Appellees.

Appellant moves for a stay pending appeal of the bankruptcy court's May 24, 2021 and May 25, 2021 orders enjoining him from entering onto a property with disputed ownership, which were affirmed by the district court. Appellant also moves to hold the instant appeal in abeyance pending resolution of a separate appeal, involving the same parties, now before this Court, in *In Re: Mosdos Chofetz Chaim Inc.*, 2d Cir. 22-33.

Upon due consideration, it is hereby ORDERED that the motion for a stay pending appeal is DENIED, *New York v. U.S. Dep't of Homeland Sec.*, 974 F.3d 210, 214 (2d Cir. 2020), and the motion to hold the appeal in abeyance is GRANTED. *Rodriguez v. Gusman*, 974 F.3d 108, 113 (2d Cir. 2020).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The block contains a handwritten signature, "Catherine O'Hagan Wolfe", written in cursive. The signature is positioned over a circular official seal. The seal features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the central text.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

This block contains a second instance of the handwritten signature "Catherine O'Hagan Wolfe" over the same circular official seal of the United States Court of Appeals, Second Circuit, as seen in the signature block above.